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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER				
HASHEM, LISA				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/805,758

Applicant(s)

RICCIARDI ET AL.

Examiner

LISA HASHEM

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

FINAL DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 15 recites the limitation "communications network" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,404,746 by Cave et al, hereinafter Cave, in view of U.S. Pat. No. 7,035,260 by Betta et al, hereinafter Betta.

Regarding claim 1, Cave discloses a method of forming a multi-media communication path between at least a first communication device (Fig. 4a, 814; i.e. caller), a second communication device (Fig. 4a, 832; called party), and a third communication device (i.e. another party) (col. 7, lines 5-20; col. 15, line 62 – col. 16, line 1; col. 21, lines 22-26) all of which are coupled to a multi-media provider system (Figs. 4a-4c; Fig. 5), the method

comprising:

receiving a first call request at a circuit-based portion of a multi-media provider system (col. 14, lines 4-6);

processing the call request at the circuit-based portion of the multi-media provider system (i.e. the PSTN routing the 800 service access number call to an originating PSTN/packet gateway (Fig. 4a, 810)) for forming a first communication link between the first and second communication devices (Fig. 4a, 810; col. 14, lines 6-18);

sending predetermined attributes (i.e. user input indication messages) of the first communication link to an IP-based portion of the multi-media provider system for configuring the IP-based portion of the multi-media provider system to provide at least one of a plurality of predetermined multi-media services (i.e. conferencing) (col. 15, line 43 – col. 16, line 1; col. 16, lines 31-35; col. 20, line 57 – col. 21, line 16); and

monitoring the first communication link for a predetermined request for at least one of the plurality of multi-media services (col. 15, line 43 – col. 16, line 1; col. 16, lines 31-35; col. 20, line 57 – col. 21, line 16).

Cave discloses forming a first communication link between the first and second communication devices over an IP network. However, Cave does not disclose forming a first communication link in the circuit based portion of the multi-media provider system.

Betta discloses a method of forming a multi-media communication path between at least a first communication device (Fig. 1, 12), a second communication device (Fig. 1, 26), and a third communication device (Fig. 1, 32) all of which are coupled to a multi-media provider system (Fig. 1, 10), the method

comprising: receiving a first call request at a circuit-based portion of a multi-media provider system (col. 3, lines 43-49; col. 5, lines 37-49);
processing the call request at the circuit-based portion of the multi-media provider system for forming a first communication link (i.e. PRI signaling link) between the first and second communication devices in the circuit based portion of the multi-media provider system (col. 3, lines 19-26 and lines 33-58; col. 5, lines 49-64);
an IP-based portion of the multi-media provider system (Fig. 1, 48) for configuring the IP-based portion of the multi-media provider system to provide at least one of a plurality of predetermined multi-media services (col. 4, line 37 – col. 5, line 6; col. 5, lines 16-36).

Again, Cave discloses the claimed method except Cave discloses forming a first communication link between the first and second communication devices over an IP network. However, the claimed feature of forming a first communication link in the circuit based portion of the multi-media provider system was old and well known in the art. Betta clearly teaches such concept.

Thus, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Cave to include forming a first communication link in the circuit based portion of the multi-media provider system as taught by Betta. One of ordinary skill in the art would have been lead to make such a modification of Cave to form a first communication link between the first and second communication devices, such as the first communication link of Betta, to the multi-media provider system of Cave so the established telephone call between the first and second communication device of Cave is initiated using a PSTN telephone number and minimal costs are involved in maintaining the call in the PSTN.

Regarding claim 2, the method of claim 1, wherein Cave discloses after sending predetermined attributes of the first communication link to the IP-based portion of the multi-media provider system, the method further includes forming a first Real-Time Transport Protocol stream between the first communication device and an application server located on the IP-based portion of the multi-media provider system (col. 14, lines 4-57).

Regarding claim 3, the method of claim 2, Cave discloses including forming a second Real-Time Transport Protocol stream between the second communication device and the application server located on the IP-based portion of the multi-media provider system (col. 14, line 58 - col. 15, line 20).

Regarding claim 4, the method of claim 1, wherein Cave discloses monitoring the first communication link for the predetermined request includes monitoring the first communication link for a post-answer call redirect request as directed by an Application Server (col. 15, lines 37-61; col. 17, lines 42-46).

Regarding claim 5, the method of claim 4, wherein Cave discloses configuring the IP-based portion of the multi-media provider system to provide at least one of the plurality of predetermined multi-media services includes: configuring the IP-based portion of the multi-media provider system to provide post-answer call redirecting services (col. 15, line 37-col. 16, line 1; col. 20, line 57 - col. 21, line 35).

Regarding claim 6, the method of claim 5, wherein Cave discloses after detecting the post-answer call redirect request, the method further includes forming a third Real-Time Transport Protocol stream between the third communication device and the application server

located on the IP-based portion of the multi-media provider system (col. 15, line 37-col. 16, line 1; col. 19, lines 7-33; col. 21, lines 17-35).

Regarding claim 7, the method of claim 6, wherein Cave discloses including moving the first, second and third Real-Time Transport Protocol streams to a media server located on the IP-based portion of the multi-media provider system for enabling the media server to operate as a mediator for the first, second and third Real-Time Transport Protocol streams (col. 15, line 37-col. 16, line 1; col. 21, lines 17-35).

Regarding claim 8, the method of claim 7, wherein Cave discloses including the Application Server instructing the media server to mix the first, second and third Real-Time Transport Protocol streams for providing the multi-media communication path between at least the first communication device, the second communication device and the third communication device (col. 15, line 62 – col. 16, line 1; col. 21, lines 17-35).

Regarding claim 9, the method of claim 8, wherein Cave discloses after controlling the media server to mix the first, second and third Real-Time Transport Protocol streams, the method further includes disabling the monitoring of the first communication link for the post-answer call redirect request (col. 15, lines 21-61; col. 21, lines 17-35).

Regarding claim 10, the method of claim 9, wherein Cave discloses including controlling the media server to monitor the multi-media communication path for at least one of a plurality of conferencing instructions (col. 14, line 49 – col. 15, line 7; col. 15, lines 12-20; col. 17, line 22 - col. 18, line 19; col. 20, line 57 - col. 21, line 16).

Regarding claim 11, the method of claim 9, wherein Cave discloses including controlling the media server to monitor the multi-media communication path for at least one of a plurality of

transfer instructions (col. 14, line 49 – col. 15, line 7; col. 15, lines 12-20; col. 20, line 57 - col. 21, line 16).

Regarding claim 12, the method of claim 9, wherein Cave discloses including controlling the media server to monitor the multi-media communication path for at least one of a plurality of courtesy transfer instructions (col. 14, line 49 – col. 15, line 7; col. 15, lines 12-20; col. 20, line 57 - col. 21, line 16).

Regarding claim 13, the method of claim 9, Cave discloses including controlling the media server to monitor the multi-media communication path for at least one of a plurality of consult and transfer instructions (col. 14, line 49 – col. 15, line 7; col. 15, lines 12-20; col. 20, line 57 - col. 21, line 16).

Regarding claim 14, the method of claim 9, Cave discloses including controlling the media server to monitor the multi-media communication path for at least one of a plurality of conference and transfer instructions (col. 14, line 49 – col. 15, line 7; col. 15, lines 12-20; col. 17, line 22 - col. 18, line 19; col. 20, line 57 - col. 21, line 16).

Regarding claim 15, Cave discloses a method for providing Post Answer Call Redirection (PACR) (i.e. conferencing) (col. 15, line 62 – col. 16, line 4; col. 16, lines 8-17; col. 17, line 6 – col. 18, line 19; col. 21, lines 4-35) to provide capacity relief to existing telecommunications network (i.e. PSTN) and to predetermined network elements, the method comprising:
a. receiving at a Border Element (BE) (Fig. 4a, 810; i.e. originating gateway or PSTN/packet gateway; col. 8, line 26 – col. 9, line 3) attributes (i.e. user input indication messages) associated with a telephone call initiated in a circuit network (i.e. PSTN) from a calling party (Fig. 4a, 814; i.e. caller) (col. 15, line 43 – col. 16, line 1; col. 16, lines 31-35) (These attributes are selections

made by the calling party to request a service (col. 20, line 57 – col. 21, line 16));

b. transmitting a message (i.e. type of service or application requested by user; H.245-Q.931 data) from the Border Element (Fig. 4a, 810; i.e. originating gateway) to a Call Control Element (CCE) (Fig. 4a, 802; i.e. call control server) to a Service Broker (SB) (Fig. 4a, 808; i.e. gatekeeper) to an Application Server (AS) (Fig. 4a, 803; i.e. application server) to a Media Server (MS) (Fig. 4a, 804; i.e. voice media server) (col. 14, lines 19-48; col. 16, lines 18-49), wherein a first query message (i.e. media redirect request; Fig. 9, 904) is received by the AS without having been routed through a circuit-based portion of the communications network (i.e. PSTN) and including a circuit switch, a circuit service control point (SCP), and a circuit adjunct (col. 15, lines 42-61; col. 16, line 49 – col. 17, line 46);

c. receiving at a Border Element (Fig. 4a, 810; i.e. originating gateway) instructions for PACR from the AS (col. 17, lines 52-55);

d. providing PACR (i.e. media redirect mode), via a combination of the AS, MS, BE, and CCE without accessing the circuit switch, circuit SCP, or circuit adjunct (col. 17, lines 55-67); and

e. after receiving PACR (i.e. media redirect mode), routing a re-directed telephone call (i.e. conferencing calls A and B; Fig. 9: 912, 917) without accessing the circuit switch, the circuit SCP and the circuit adjunct (i.e. routing within the IP network) (col. 17, line 63 – col. 18, line 19).

Cave discloses forming a telephone call initiated in a circuit network and a telephone call established over an IP network. However, Cave does not disclose a telephone call established in a circuit network.

Betta discloses a method comprising: receiving at a Border Element (BE) (Fig. 1, 48; i.e. Virtual Call Controller) attributes (i.e. BICC Initial Address Message) (col. 6, lines 1-15) associated with a telephone call initiated in a circuit network (i.e. PSTN) from a calling party (Fig. 1, 12; i.e. caller) (col. 3, lines 43-49; col. 5, lines 37-49).

Again, Cave discloses the claimed method except Cave discloses a telephone call established over an IP network. However, the claimed feature a telephone call established in a circuit network was old and well known in the art. Betta clearly teaches such concept.

Thus, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Cave to include a telephone call established in a circuit network as taught by Betta. One of ordinary skill in the art would have been lead to make such a modification of Cave to establish a telephone call in a circuit network, such as the telephone call of Betta, to the network of Cave so the telephone call of Cave is already established in the PSTN before requesting multi-media services and minimal costs are involved in maintaining the call in the PSTN.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO 892 Form.

8. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LISA HASHEM whose telephone number is (571)272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Fan Tsang/

Supervisory Patent Examiner, Art Unit 2614

/Lisa Hashem/

Examiner, Art Unit 2614

April 21, 2008